UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:20-cv-612-FDW-DSC

| UMAR CLARK, |) | |
|------------------------------|-------------|-------|
| Plaintiff, |) | |
| vs. |) | ORDER |
| DISCOVER FINANCIAL SERVICES, |) | OKDEN |
| Defendants. |))) | |

THIS MATTER is before the Court on its November 10, 2020, Order, (Doc. No. 3).

Plaintiff filed a *pro se* Complaint and an Application to proceed *in forma pauperis*. (Doc. Nos. 1, 2). However, the Application was incomplete and the Complaint was too vague and conclusory to pass initial review. The Court denied the Application and dismissed the Complaint without prejudice. (Doc. No. 3). The Court granted Plaintiff the opportunity to pay the filing fee or file an Amended Application, and file an Amended Complaint within 14 days. (<u>Id.</u>). The Court cautioned Plaintiff that the failure to do so would result in this action's dismissal without prejudice and without further notice. (<u>Id.</u>). No Amended Application or Amended Complaint has been filed to date.

Plaintiff has failed to comply with the Court's November 10, 2020 Order and, therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

- 1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's November 10, 2020 Order.
- 2. The Clerk of this Court is directed to terminate this action.

Signed: November 30, 2020

Frank D. Whitney

United States District Judge